

elevate the Distinguished Warfare Medal above the Bronze Star and the Purple Heart, which are awarded for acts of valor and heroism on the battlefield, and above the Soldier's Medal, which is given for acts of gallantry beyond the battlefield.

I believe medals earned in combat or in other life-threatening conditions should maintain their precedence above noncombat awards. Placing the Distinguished Warfare Medal above the Bronze Star and the Purple Heart diminishes the significance of such awards earned by risking one's life in direct combat or through acts of heroism.

I am not alone in my opposition to the precedence the Defense Department plans to give the Distinguished Warfare Medal. A bipartisan group of 21 other Senators, our colleagues, has joined me in a letter to Defense Secretary Hagel urging him to reconsider the Department's decision.

The Veterans of Foreign Wars in my State and in the Presiding Officer's State have also asked Secretary Hagel to reconsider. And while the Secretary has told the VFW that he is satisfied with the criteria and placement of the Distinguished Warfare Medal, I believe we can still make the case that combat awards and medals for gallantry should remain the military's highest honors.

In his response to the VFW defending the new medal, Secretary Hagel asserts:

There are numerous existing medals that may be awarded for non-valorous achievements which are higher in precedence than the Bronze Star.

That is true. There are medals, such as the Legion of Merit, not directly linked to a single act of valor. But these medals recognize distinguished service often spanning several generations of service. These awards are given for vastly different periods and different types of service.

Comparing awards for lifetime achievement to the Distinguished Warfare Medal, which even Secretary Hagel's letter states is awarded for "a single"—I repeat, "a single"—"extraordinary act," is not an appropriate justification for its precedence above the Bronze Star and Purple Heart.

Veterans groups are understandably upset. The new Distinguished Warfare Medal appears to be a wartime medal based on a single event that trumps acts of valor on the field of battle.

In this dispute I think it is instructive to consider why the Bronze Star and the Purple Heart were created.

The Bronze Star was conceived by COL Russell "Red" Reeder in 1943. At the time he and other military officers believed there was a need for a ground combat medal equivalent to the Air Medal, which was awarded for meritorious achievement to our pilots and flight crews. In fact, originally the award that became the Bronze Star was proposed as the "Ground Medal."

The award was created to boost the morale of American ground forces dur-

ing World War II. As GEN George C. Marshall explained to President Roosevelt in a letter:

The fact that the ground troops, infantry in particular, lead miserable lives of extreme discomfort and are the ones . . . (most) close in personal combat with the enemy, makes the maintenance of their morale of great importance. The award of the Air Medal has had an adverse reaction on the ground troops, particularly the Infantry Riflemen who are suffering the heaviest losses, air or ground, in the Army, and enduring [some of our] greatest hardships.

The Purple Heart, of course, is one of our country's oldest military decorations, originally instituted by George Washington, then the commander in chief of the Continental Army, in 1782, to reward troops for what he called "unusual gallantry" and "extraordinary fidelity and essential service."

The Purple Heart was revived as a military decoration in 1932 on the 200th anniversary of George Washington's birthday. In 1985, by an act of Congress, it was given its current precedence just below the Bronze Star and directly above the Meritorious Service Medal—a clear recognition of the special valor of those who receive it. I recognize that military awards should be updated as the tactics of warfare change. Drones and cyber warfare play a role in the defense of this great country, and there is no question that each member of our military plays a crucial role in protecting our Nation and every American. But I have listened to West Virginia veterans and agree with them: Our brave servicemembers who face life-and-death situations deserve the most distinguished medals the U.S. military awards.

Again, I support the Distinguished Warfare Medal. I want to make no mistake about that. But I do not believe it should be given higher precedence than awards for those who have faced the enemy on the battlefield. Awards earned for heroism, patriotism, and a willingness to make the ultimate sacrifice for the freedoms we all enjoy every day should not be ranked below a medal earned in relative safety.

I agree wholeheartedly with veterans who have expressed their concerns about the precedence the Defense Department intends to give the Distinguished Warfare Medal. I share their belief that combat awards are sacred, reflecting the special bravery of Americans who are willing to sacrifice all for their country as well as their brothers and sisters in arms. And I join them in urging the Defense Department to preserve the legacy of these sacred awards by leaving their precedence undisturbed.

I thank Secretary Hagel for his courageous military service to our country. Through his combat experience in Vietnam, he knows all too well the clash and the heat of battle. He shares a special bond with generations of Americans from Concord to Kabul who have risked their lives in the defense of this great country, many of whom have paid the ultimate sacrifice for our free-

dom. I hope, for that reason, he reconsiders the precedence of the Distinguished Warfare Medal and agrees that combat awards should remain our military's highest honors.

Mr. President, thank you.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF RICHARD GARY TARANTO TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT

NOMINATION OF ANDREW PATRICK GORDON TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of Richard Gary Taranto, of Maryland, to be United States Circuit Judge for the Federal Circuit, and Andrew Patrick Gordon, of Nevada, to be United States District Judge for the District of Nevada.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes for debate equally divided and controlled in the usual form.

Mr. LEAHY. Mr. President, I ask unanimous consent that the time be divided in such a way that the vote occur at 5:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Last week, Senate Republicans were given an opportunity to end their partisan and wrongheaded filibuster of Caitlin Halligan to the D.C. Circuit. Instead, they voted against the Federal judiciary, the administration of justice, and the needs of the American people. The Republican filibuster has lasted for over 2 years, in which Senate Republicans have refused to vote up or down on this highly qualified woman to fill a needed judgeship on the D.C. Circuit. No one can honestly question whether she has the legal ability, judgment, character, ethics, and temperament to serve on the court. The smearing of her distinguished record of service is deeply disappointing.